

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

MELVIN FRANDBSEN,

Claimant,

v.

STATE OF IDAHO, INDUSTRIAL
SPECIAL INDEMNITY FUND,

Defendant.

IC 98-032930

ORDER

Filed: January 4, 2005

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant sustained an impairment of 8% of the whole person as a result of the September 30, 1998 industrial accident.
2. At the time of the 1998 industrial accident, Claimant had a preexisting whole person impairment of 60% resulting from the loss of his right arm in a mining accident in 1947.
3. Claimant is totally and permanently disabled under the odd-lot doctrine.
4. ISIF is liable under Idaho Code § 72-332 for 88.24% of Claimant's total disability, inclusive of impairment, from the date Claimant reached maximum medical improvement.

5. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 4th day of January, 2005.

INDUSTRIAL COMMISSION

/s/_____
Thomas E. Limbaugh, Chairman

/s/_____
James F. Kile, Commissioner

/s/_____
R. D. Maynard, Commissioner

ATTEST:

/s/_____
Legal Associate

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of January, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

REED W LARSEN
COOPER & LARSEN, CHARTERED
PO BOX 4229
POCATELLO ID 83205-4229

KENNETH L MALLEA
PO BOX 857
MERIDIAN ID 83680

djb
